Case 09-32934 Doc 1 Filed 11/19/09 Entered 11/19/09 19:01:58 Desc Main Document Page 1 of 9

UNITED STATES BANKRUPTCY COURT DISTRICT OF UTAH SALT LAKE CITY DIVISION					oluntary Petition			
Name of Debtor (if individual, enter Last, First, Middle): Hunsaker, Michael L.			Name	of Joint Debtor (Sp	oouse) (Last, Fii	rst, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):				er Names used by e married, maiden			ars	
Last four digits of Soc. Sec. or Individual-Taxpa than one, state all): xxx-xx-0900	ayer I.D. (ITIN) No./C	omplete EIN (if	more	Last fo than or	our digits of Soc. Sene, state all):	ec. or Individual-	Taxpayer I.D. (IT	TIN) No./Complete EIN (if more
Street Address of Debtor (No. and Street, City, 23 Sunwood Lane Sandy, UT	and State):			Street Address of Joint Debtor (No. and Street, City, and State):				
		ZIP CODE 84092						ZIP CODE
County of Residence or of the Principal Place of Salt Lake	of Business:	•		County	y of Residence or o	of the Principal P	lace of Business	s:
Mailing Address of Debtor (if different from stre	et address):			Mailing	Address of Joint I	Debtor (if differe	nt from street ad	ldress):
		ZIP CODE						ZIP CODE
Location of Principal Assets of Business Debto	r (if different from stre	eet address ab	ove):					
								ZIP CODE
Type of Debtor (Form of Organization)	(Chec	of Business k one box.)			Chapter o	f Bankruptcy etition is Filed	Code Under Check on	Which ne box.)
(Check one box.) ✓ Individual (includes Joint Debtors)		Real Estate as o	defined		Chapter 7 Chapter 9			ter 15 Petition for Recognition
See Exhibit D on page 2 of this form. Corporation (includes LLC and LLP) Partnership	in 11 U.S.C. § Railroad Stockbroker				Chapter 11 Chapter 12 Chapter 13		☐ Chapt	oreign Main Proceeding ter 15 Petition for Recognition oreign Nonmain Proceeding
Other (If debtor is not one of the above entities, check this box and state type	If debtor is not one of the above Clearing Bank						e of Debts	
of entity below.)	(Check bo Debtor is a tax under Title 26	empt Entity ox, if applicable c-exempt organ of the United Sernal Revenue 0	ization States	d S ir p	Debts are primarily lebts, defined in 11 § 101(8) as "incurre ndividual primarily f bersonal, family, or lold purpose."	consumer I U.S.C. ed by an for a		s are primarily ess debts.
Filing Fee (Check one box.)			,		k one box:	Chapte	r 11 Debtors	
Full Filing Fee attached. Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is			ch	Debtor is a small business debtor as defined by 11 U.S.C. § 101(51D). Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if:				
unable to pay fee except in installments. Rule 1006(b). See Official Form 3A.			۸.	_ ir	nsiders or affiliates)	are less than \$2		excluding debts owed to
Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.					ck all applicable A plan is being filed Acceptances of the of creditors, in acco	with this petition	ted prepetition fr	rom one or more classes
Statistical/Administrative Information ☐ Debtor estimates that funds will be available for distribution to unsecured creditors. ☐ Debtor estimates that, after any exempt property is excluded and administrative expent there will be no funds available for distribution to unsecured creditors.						ndance with 11	5.6.C. § 1120(b	THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors	1,000- 5,000	5,001- 10,000	10,001- 25,000		25,001- 50,000	50,001- 100,000	Over 100,000	
Estimated Assets \$0 to \$50,001 to \$100,001 to \$500,001 \$500,000 \$500,000 to \$1 milli		\$10,000,001 to \$50 million	\$50,000 to \$100		\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion	
Estimated Liabilities		\$10,000,001 to \$50 million	\$50,000 to \$100		\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion	More than \$1 billion	

Case 09-32934 Doc 1 Filed 11/19/09 Entered 11/19/09 19:01:58 Desc Main
Page 2 of 9

Voluntary Petition

(This page must be completed and filed in every case.)

Name of Debtor(s): Michael L. Hunsaker

Voluntary Petition		Name of Debtor(s): Michael L. Hunsaker			
(Tł	nis page must be completed and filed in every case.)				
	All Prior Bankruptcy Cases Filed Within Last	8 Years (If more than two, attach add	litional sheet.)		
Loca	tion Where Filed:	Case Number:	Date Filed:		
Loca	tion Where Filed:	Case Number:	Date Filed:		
	Pending Bankruptcy Case Filed by any Spouse, Partner or	Affiliate of this Debtor (If more t	han one, attach additional sheet.)		
Nam	e of Debtor:	Case Number:	Date Filed:		
Distri	ct:	Relationship:	Judge:		
Exhibit A (To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.) Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts.) I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I have delivered to the debtor the notice required by 11 U.S.C. § 342(b).			
		X /s/ Robert A. Eder Jr.	11/19/2009		
		Robert A. Eder Jr.	Date		
Doe:	s the debtor own or have possession of any property that poses or is alleged to pose Yes, and Exhibit C is attached and made a part of this petition. No.	hibit C e a threat of imminent and identifiable harm to	public health or safety?		
	Exi	hibit D			
If th	(Check any	ed and made a part of this petition. ing the Debtor - Venue applicable box.)			
✓	Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.				
	There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.				
	Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.				
		les as a Tenant of Residential Prope	rty		
	Landlord has a judgment against the debtor for possession of debtor's	oplicable boxes.) s residence. (If box checked, complete	the following.)		
	(Name of landlord that obtained judgment)				
	-	Address of landlord)			
	Debtor claims that under applicable nonbankruptcy law, there are circ monetary default that gave rise to the judgment for possession, after the second secon		•		
	Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.				
	Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(I)).				

31 (Official Form 1) (1/08)	r age a creating page		
Voluntary Petition	Name of Debtor(s): Michael L. Hunsaker		
(This page must be completed and filed in every case)			
Sig	natures		
Signature(s) of Debtor(s) (Individual/Joint)	Signature of a Foreign Representative		
I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the	I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition. (Check only one box.)		
petition] I have obtained and read the notice required by 11 U.S.C. § 342(b). I request relief in accordance with the chapter of title 11, United States Code,	Certified copies of the documents required by 11 U.S.C. § 1515 are attached. Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of		
specified in this petition.	title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.		
X /s/ Michael L. Hunsaker			
Michael L. Hunsaker	X		
X	(Signature of Foreign Representative)		
Telephone Number (If not represented by attorney) 11/19/2009	(Printed Name of Foreign Representative)		
Date	Date		
Signature of Attorney*	Signature of Non-Attorney Bankruptcy Petition Preparer		
/s/ Robert A. Eder Jr. Robert A. Eder Jr. Bar No. 8056 Utah Bankruptcy, Inc. 5667 S. Redwood Road, Ste 8 Salt Lake City, UT 84123 Phone No.(801) 265-1836 Fax No.(801) 265-1866	I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.		
11/19/2009	Printed Name and title, if any, of Bankruptcy Petition Preparer		
Date *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.	Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)		
Signature of Debtor (Corporation/Partnership) I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.			
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.	Address X		
Signature of Authorized Individual	Date Signature of bankruptcy petiton preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above. Names and Social-Security numbers of all other individuals who prepared or		
Printed Name of Authorized Individual	assisted in preparing this document unless the bankruptcy petition preparer is not an individual.		
Title of Authorized Individual	If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.		
Date	A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. & 110: 18 U.S.C. & 156		

B 1D (Official Form 1, Exhibit D) (12/08) UNITED STATES BANKRUPTCY COURT DISTRICT OF UTAH SALT LAKE CITY DIVISION

In re:	Michael L. Hunsaker	Case No.	
			(if known)

Debtor(s)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

1. Within the 180 days before the filing of my bankruptcy case , I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
2. Within the 180 days before the filing of my bankruptcy case , I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit couseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

B 1D (Official Form 1, Exhibit D) (12/08) UNITED STATES BANKRUPTCY COURT DISTRICT OF UTAH SALT LAKE CITY DIVISION

In re:	Michael L. Hunsaker	Case No.	
			(if known)

Debtor(s)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT				
Continuation Sheet No. 1				
4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]				
Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);				
Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);				
Active military duty in a military combat zone.				
5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.				
I certify under penalty of perjury that the information provided above is true and correct.				
Signature of Debtor: /s/ Michael L. Hunsaker Michael L. Hunsaker				
Date:11/19/2009				

B 201 (12/08)

UNITED STATES BANKRUPTCY COURT DISTRICT OF UTAH SALT LAKE CITY DIVISION

IN RE: Michael L. Hunsaker

NOTICE TO INDIVIDUAL CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a JOINT CASE (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days BEFORE the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

<u>Chapter 7</u>: <u>Liquidation</u> (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total fee \$299)

1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.

- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

B 201 (12/08)

UNITED STATES BANKRUPTCY COURT DISTRICT OF UTAH SALT LAKE CITY DIVISION

IN RE: Michael L. Hunsaker

Chapter 13: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

- 1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
- 3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of Compliance with § 342(b) of the Bankruptcy Code

l, Robert A. Eder Jr.	, counsel for De	ebtor(s), hereby certify	that I delivered to the I	Debtor(s) the Notice
required by § 342(b) of the Bankruptcy Code.				
/s/ Robert A. Eder Jr.				

Robert A. Eder Jr., Attorney for Debtor(s) Bar No.: 8056 Utah Bankruptcy, Inc. 5667 S. Redwood Road, Ste 8

Salt Lake City, UT 84123 Phone: (801) 265-1836 Fax: (801) 265-1866 Page 2

B 201 (12/08)

UNITED STATES BANKRUPTCY COURT DISTRICT OF UTAH SALT LAKE CITY DIVISION

Page 3

IN RE: Michael L. Hunsaker

Certificate of the Debtor

I (We), the debtor(s), affirm that I (we) have received and read this notice.

Michael L. Hunsaker	X /s/ Michael L. Hunsaker	11/19/2009	
	Signature of Debtor	Date	
Printed Name(s) of Debtor(s)	X		
Case No. (if known)	Signature of Joint Debtor (if any)	Date	

Case 09-32934 Doc 1 Filed 11/19/09 Entered 11/19/09 19:01:58 Desc Main Document Page 9 of 9 UNITED STATES BANKRUPTCY COURT

UNITED STATES BANKRUPTCY COURT DISTRICT OF UTAH SALT LAKE CITY DIVISION

IN RE: Michael L. Hunsaker CASE NO

CHAPTER 7

	DISCLOSURE OF COMP	ENSATION OF ATTORNI	EY FOR DEBTOR
1.	Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P that compensation paid to me within one year before services rendered or to be rendered on behalf of t is as follows:	ore the filing of the petition in bankr	uptcy, or agreed to be paid to me, for
	For legal services, I have agreed to accept:		\$1,100.00
	Prior to the filing of this statement I have received:	:	\$1,100.00
	Balance Due:		\$0.00
2.	The source of the compensation paid to me was:		
	☑ Debtor ☐ Other (spe	cify)	
3.	The source of compensation to be paid to me is:		
	☑ Debtor ☐ Other (spe	cify)	
4.	✓ I have not agreed to share the above-disclose associates of my law firm.	ed compensation with any other pe	rson unless they are members and
	☐ I have agreed to share the above-disclosed coassociates of my law firm. A copy of the agree compensation, is attached.		
5.	In return for the above-disclosed fee, I have agree a. Analysis of the debtor's financial situation, and bankruptcy;	rendering advice to the debtor in d	etermining whether to file a petition in
	b. Preparation and filing of any petition, schedulesc. Representation of the debtor at the meeting of		
6.	By agreement with the debtor(s), the above-disclo	sed fee does not include the follow	ing services:
		CERTIFICATION	
	I certify that the foregoing is a complete statem representation of the debtor(s) in this bankruptcy p		ent for payment to me for
	11/19/2009	/s/ Robert A. Eder Jr.	
	Date	Robert A. Eder Jr. Utah Bankruptcy, Inc. 5667 S. Redwood Road, Ste 8 Salt Lake City, UT 84123 Phone: (801) 265-1836 / Fax: (80	Bar No. 8056